

## Message Text

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64  
ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

SP-02 AID-05 EB-07 NSC-05 CIEP-01 TRSE-00 SS-15

STR-04 OMB-01 CEA-01 CIAE-00 INR-07 NSAE-00 COME-00

OPIC-03 INT-05 FRB-03 IGA-02 /071 R

DRAFTED BY L:M.FELDMAN:MEM

APPROVED BY L:M. LEIGH

ARA:J.GRU ALD

T:T.CROCKER

L/ARA:F.WILLIS

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FM SECSTATE WASHDC  
TO AMEMBASSY LIMA NIACI IMMEDIATE

C O N F I D E N T I A L STATE 233194

FOR SECRETARY MAW FROM MR. LEIGH AND MR. GRUNWALD

E.O. 11652: GDS

AGS: EIND, EINV, EMIN, PFOR, PE

SUBJECT: MARCONA DRAFT

REF: LIMA 8512

WE WOULD LIKE YOU TO CONSIDER THE FOLLOWING COMMENTS ON  
DRAFT TEXT OF AN INTERGOVERNMENTAL AGREEMENT REFTEL.

A. BELIEVE ENGLISH TEXT COULD BE IMPROVED OPTICALLY IF  
IN ARTICLE 1 "DIFFERENCES" AND "EXTENDED" COULD BE  
SUBSTITUTED FOR "DISCREPANCIES" AND "INTERPOSED"  
RESPECTIVELY.

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B. WE ARE GREATLY CONCERNED AT THE EXPLICIT STATEMENT

IN ARTICLE 1 THAT PERU'S COMMITMENT TO MAKE CASH PAYMENT IS CONTINGENT UPON FINANCING BY U.S.BANKS. SUCH A STATE- MENT IS OBJECTIONABLE AND WOULD ESTABLISH A BAD PRECEDENT FOR FUTURE CASES BOTH BECAUSE OF THE CONTINGENT CHARACTER OF THE GOP'S COMMITMENT AND BECAUSE OF THE SPECIFIC LINKAGE BETWEEN PAYMENT OF JUST COMPENSATION DUE UNDER INTERNATIONAL LAW AND NEW FINANCING FROM THE COUNTRY OF NATIONALITY OF THE INVESTOR. MOREOVER, IT IS NOT APPROPRIATE TO MAKE INTER-GOVERNMENTAL UNDERTAKINGS

CONTINGENT UPON ACTIONS OF PRIVATE BANKS OVER WHICH USG HAS NO CONTROL. WE HOPE YOU WILL BE ABLE TO MAKE AN AGREEMENT WITHOUT THIS STATEMENT. WE RECOGNIZE DESIRE OF GOP TO TIE DOWN BANK FINANCING WITH A CERTAINTY,BUT IT WAS OUR UNDERSTANDING BANKS WERE PREPARED TO PROVIDE FINANCING CONTINGENT ONLY UPON SETTLEMENT OF MARCONA DISPUTE, WHICH AGREEMENT PROVIDES. IF THIS IS NOT ACCURATE, IS BANK FINANCING DEPENDENT ON OTHER FACTORS? OR IS PERU INTENT ON THIS LANGUAGE FOR POLITICAL REASONS?

ROBINSON

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, TEXT  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** powellba  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE233194  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** M.FELDMAN:MEM  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760355-0582  
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**Handling Restrictions:** n/a  
**Image Path:**  
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**Line Count:** 82  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 LIMA 8512  
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**Review Authority:** powellba  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 26 JUL 2004  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MARCONA DRAFT  
**TAGS:** EIND, EINV, EMIN, PFOR, PE, MARCONA MINING CO  
**To:** LIMA  
**Type:** TE  
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